

Footpath to Cromwell Lock

From Muskham Ferry Inn (OS Ref SK797587) to Cromwell Lock (OS Ref: SK809612)

The view we have today



The destination



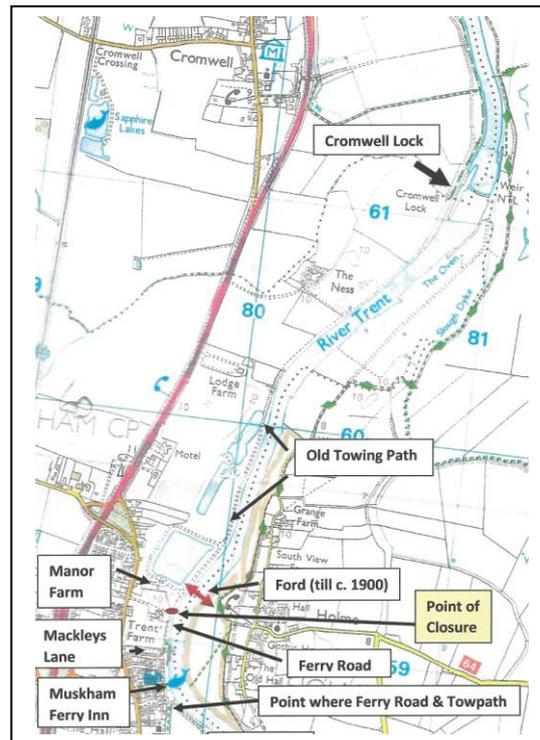
FOREWORD

This is the story of the campaign, or battle, to open the riverside pathway for public access. In this telling, it mentions no names but goes through the history of the 60 or so years from when the old route became closed, to the formal re-opening walk on 7th December 2014. See timeline & map: p.2)

A sister article, more a document: '**North Muskham: An Overview of Riverside Access**' is available in this series. That was produced in September 2006 in preparation for the Public Inquiry. It gives names and pack drills

Timeline & Map

1770s	The Inclosure Award: enclosing areas of common land and designation highways.
1783	Trent Navigation: William Jessop improving the River Trent and putting in towpaths
1958	Farmer at Manor House Farm wired up the gate between the riverside road and the North Marsh
1980s	First campaign to open/reopen a footway to Cromwell Lock
1990s	Start of Second campaign to open/reopen footway to Cromwell Lock
2006	Campaign led to Public Inquiry: whether Ferry Road and Trent Ford Road still, or ever, legally existed. Roads proved
2014	Campaign led to legal wrangle to open old towpath to Cromwell Lock



Footpath to Cromwell - The shut and open story

About the most pleasant pastime one can imagine must be to sit outside the Muskham Ferry on a warm summer evening, glass in hand, gazing across that 'Constable' view, comprising Holme Marsh, grazing cattle, the so-called Thompson's Tree, and the steeple of St Giles' Church beyond. As I write this during the Covid 19 lockdown of 2020 the Muskham Ferry is, sadly, closed but the bucolic view is unaltered. The pub, however, serves the community well with a pop-up shop, Wednesday evening take-away of fish and chips, and Saturday take-away pies.

The western bank

Whilst the view east, over the river, has changed little in the last century, apart from the fact that 'Thompson's Tree' will be larger than it might have been, the west bank - our bank - has changed dramatically.

The Newcastle Arms (below 1905) has become the Muskham Ferry, with the felled tree and built up patio, the foreshore, and landing. Up Ferry Lane, on the right of the pub, there is a vehicle parked. Although, on first view, it looks like a horse and trap, the distant trees could deceive. The wheel suggests an early car ... who knows?

In some ways more interesting are the boats in the foreground. They will be the boats used to ferry people over the river, normally by a standing ferryman sculling the boat across. Whilst you will read and hear stories of a chain-hauled ferry at North Muskham there is no evidence that it was ever thus. At the time of this photograph, the river was tidal through Muskham, the stretch of Ferry Road, in front of the pub, would also serve as a towpath, and the river was a busy thoroughfare.



In the photograph below, the broader view shows the open nature of the riverbank, from Burridge Marsh. The white clapper gates showing the line of the towpath and, to the left, the five-bar-gate showing the line of the old Ferry Road. Through those gates stands Trent Bank House and the white painted Newcastle Arms. Note, the field beside Trent Bank House, now Eastfield, with a bow-top style caravan and a car parked beside. The riverside area outside the house and the pub was used as parking.

Beyond the Newcastle Arms [Muskham Ferry] there is a large property, side-on to the river. This was gutted by fire, probably in the late 1960s, and had been the home of the Woods family: three sisters and a brother. Some 60 years ago, the two remaining elderly sisters, known as 'The Miss Woods', ran the shop and a tearoom. The sisters were tiny, the same height as the children being led down a dark passage to buy their sweets and ice-cream, perhaps a touch of delicious terror! Parts of an original wall of 'Trent View House' can be seen in the riverside boundary of Cromwell Lodge.

Further along, is a timber building that was a sailing club and slipway but, as can be seen from the photograph, most of the bank was undeveloped and the field boundary hedge is clearly visible along the river frontage.

Ferry Road ran along that boundary edge, from Marsh Lane north to the ferry boat, by the pub, and south, from the point where there used to be a ford over the river, again to the ferry. Carters would cross at the ford and foot-passengers would be rowed over to the landing, near Thompson's Tree.



Trent Bank House (Farm), Newcastle Arms (Ferry), The 'Miss Woods' House, and the timber Sailing Club

Almost where this story began

To understand the history of the path to Cromwell Lock, we need to begin by looking back to the 1950s. The 1951 census, just 6 years after WWII, show North Muskham with a population of 475 souls, around half what we have today, and some 160 occupied dwellings. Look around the village and think how many of the houses you see would have been around at that time. North Muskham, although quite vibrant, was a rural village with a population busy surviving shortages following the war and just getting by with life.

For over a century, the footway along the riverbank to the lock at Cromwell had been unrestricted for villages, many of whom used it as a Sunday stroll. The fact, however, was that part of it was not a public right-of-way but a commercial towpath for barge-hauling horses and the bargees who led them. By the time of World War II, the day of the bargee leading a horse along the path was, or was becoming, history. The need for hauling paths was over.

After the war, the new government brought in a wide range of legislation, including the Countryside Act 1947. This created the first National Parks, but also considered rights-of-way. At some stage, Parish Councils were contacted to see if they wanted local towpaths to become public footpaths. Sadly, in the case of North Muskham, we do not know the process at the time, but the path was not claimed. This was a basic death knell for the path.

Legal Realities

Over centuries, the legalities of this route had become a potential minefield, if anyone had bothered to look. Like most things, however, it was there, they used it, and that is what people presumed would remain.

The route from Marsh Lane [OS Ref: SK796585], along the field edge, east of the church and west of 'The Fleet' was public highway. The highway met the hailing-path, or towpath, coming from Burrige Marsh along the raised riverbank. The two routes combining in front of the Trent Bank House land [OS Ref: SK796587]. The Fleet, incidentally, tends to be a term used for stretches of old river routes. By the marsh, it is much straightened and flows into the river near the clapper gates on the above photograph, when it is not dried up.

Heading north, the route was both highway and towpath, past Trent Farm to where it entered the North Marsh. The highway continued to just past, what is now, the junction with the end of Manor House Drive, around the point of the dog waste bin. That is about where the ford used to be which went across the river to Holme [OS Ref: SK798594]. Beyond that, you were back on private land, and the commercial towpath. Farmers owning that land the towpath crossed were paid rent, known as a 'way-leave', for access along that route.

1958 or thereabouts

In 1958, the farmer at Manor House Farm wired up the gate between Ferry Road and his land, North Marsh. The excuse, apart from the fact that the ford had gone and the towpath was disused, was to protect his tuberculin tested cows. There was a bit of a stir about it in the village, but closed the gate remained. (NB: Manor House farmhouse, which had been knocked around a good bit, or 'modernised', in the 1960s was demolished to build the Manor House Drive part of Lakeside development).

Naturally, some villagers were allowed to walk down the farm drive to the riverbank, or the lane that was next to 'The Shades'. Generally, life went on but there was no longer a clear route along the riverbank from the main village to Cromwell Lock. The family at Lodge Farm [OS Reg: SK793609] would use the riverbank path to walk to the village and the school.

All change

Over the next couple of decades, the village changed greatly. The field on the east side of Main Street, between Ferry Lane and Mackley's Lane was built up with bungalows, both on Main Street and Trent Close. Later, Mackley's Lane saw a handful of houses and some bungalows. Slowly, the plots along the river frontage were sold to individuals wanting to build private houses. Many of them not realising that the overgrown area between their ancient field hedge was an old public highway. Believing, or being misled into thinking, that the highway was defunct and, they had riparian 'rights' over the riverbank. Riparian rights stem from ancient common law and, in simplistic terms, means you own the land to the middle of the river. As with much common law, it is not that simple.

Trent Farm, which had been held in charity for centuries, came on the market and, by the mid-1970s had stopped being a second dairy farm and local milk supplier and was bought by a local District Councillor as a base for his haulage firm. The haulage firm also developed a lorry parts business and the small area of farmland was more afterthought than farmstead.

Likewise, the 16 acres (6.5 hectares) of Manor House farm was sold in 1962 and bought by a larger than life character. He invented some specialist fishing float,

had been a professional wrestler, and had his eye on the main chance. Perhaps the most extraordinary thing he did was to extract gravel from his land, without any right or planning consent, and, so it is said, sold it to the contractors building the A1 dual carriageway by Tuxford.

He then gained consent for a marina in the hole he left - Muskcombe Marina - with a planned river link, moorings, chalets, sales, and sundry facilities. For years he kept the planning consent live by doing little bits, eventually digging two more lakes, landscaping the place, and planting willow trees along the riverbank. In fact, the grounds ended up as parkland and the fishing enterprise lasted some years after his death.

When the new owners went for planning consent for the Lakeside development, the planners kept saying, 'If you don't have the houses, they could build the marina.' I remember my own view was that the developer would not risk it, the river authority would block it, but buying a boat could be nice! Whatever, the riverbank became, what might be called, aggressively shut.

Fishing, lake, and river

I think it is well to remember that, at this time, the River Trent was a mighty fishing river, and fishing a major sport. As well as your local anglers, there were coaches full of fishermen coming over from the steelworks in Sheffield and Rotherham, miners from the South Yorkshire and North Nottinghamshire pits. I remember The Crown, that little-ole-pub at the south end of the village, doing 70 fisherman's' breakfasts on a Saturday and Sunday morning, often with them coming back later to talk about the ones that got away.

At one stage, Gladding, a fishing tackle company, held their 'Masters' tournament at Manor House. I am not sure how many people there were competing, but there were 5,000 spectators!

Sadly, the decline in the steel industry and the closure of deep mines had the side effect of such fishing club outings and events faded away.

For some time, lake fishing seemed to take over from river, probably because there is no closed season for lake fishing, but that is stepping beyond my area of knowledge. Manor House Fishery was certainly quite an enterprise.

The First Campaign

By the late 1970s, early 1980s, the village had grown still further. The Park and Grange had added 70 or so houses to the north and various new areas, like Meadow Close, Eastfield, Willow Drive had added to the core. North Muskham was moving from a rural village to a more suburban environment; beyond the point where everyone knew everyone. Trapped between the river and the A1, the village needed space. The Playing Field Committee had secured the playing field and people were asking why we cannot get better access to the riverbank.

Around the mid 1980s, a resident started researching the problem and pulled together a wealth of evidence. Statements were taken from residents about their usage of the route to Cromwell Lock as well as a good deal of historic information. Looking back, it seemed that the information gathered then had most of the answers, but somehow just did not get across.

Writing this in 2020, more than thirty years on, there seems a different perspective. It was a time of industrial conflict, post miners' strike but not post hurt,

new housing and new people. Argument got mixed with evidence and politics became the battleground rather than logical facts.

The resident who began the campaign had help from the Ramblers' Association along the lines of a 'right to roam' campaign. This ended up getting fired at the owner of Trent Farm, the local Conservative councillor, who had bought the place in 1975, some 17 years after the route was initially blocked. The blockage, in fact, being where Ferry Road went into the North Marsh, not even on Trent Farm land. Fuel was added to the fire when a Labour councillor had an article in the newspaper with a photograph of him appearing to be standing in the garden of Trent Farm. The balloon went up. A village meeting was held in the village pavilion, with arguments about child safety by the river, live and let live, and at that stage in that battle was lost.

The Second Campaign

Jumping a decade or so into the 1990s, another resident, and rambler, took on the challenge. Again, with the benefit of hindsight, this seems to have been a more gentle and measured approach, avoiding the politics and sticking to facts. More evidence was gathered, the Parish Council were more on board, and the Lakeside development had been built, so more people interested in access.

The development of the Lakeside had been quite controversial, with research into the existence of various ancient lanes crossing the site. A well known one was Trent Ford Road, or Holme Lane, which went from the Muskham Cross to the ford. The ford, several hundred years ago, had been a major Trent crossing and a packhorse trail from northwest England towards the North Sea. In addition, the boffins at Nottinghamshire County Council flagged up the Cromwell Footway, which ran on the higher ridge along the riverbank, from the Muskham Ferry area, and veered away from the river, on that ridge, to the north end of Dickinson Way and beyond. Along with Ferry Road, all those routes were listed in the Lakeside planning and not built on; basically, because there was no evidence that they were not still public highways.

However good the 1980s evidence, this time the argument was slowly starting to build. The Parish Council appointed one of their members to deal with the process, the NCC Highways legal team became involved, and the County Definitive Maps Officers - yes there were several at that time- became involved.

Each county has its definitive map. This is a map that shows all the highways in the county, whether they be footpath, bridleway, restricted highway, or highway. Anyone wanting to claim that a footpath or highway exists must apply to get it on the definitive map. Those who do not want it, must voice their argument against.

The wheels of justice turn slowly, much of the time, imperceptibly slowly, but move they sort-of do. The difficulty is that other factors arise to distract County Highways and Definitive Maps, so seemingly their less urgent matters can sit on the back burner for some time. There is, however, a cut off when all ancient highways must be registered or abandoned. NCC have, or had at that time, a team of officers trying to sort out Nottinghamshire.

As stated before, it became clear that the route to Cromwell Lock was not a single entity. The advice was to separate the two aspects. First, the easy one, secure the highway. Seemingly legally straightforward, but far from it in reality.

In all this, we learned a very interesting piece of law. Once a highway exists, it remains a highway for all time until legal action is taken to 'stop-it-up'. In North

Muskham we have recently had cases where existing footpaths - highways - that crossed the A1 and East Coast Main Line had legal stopping-up and diversion actions on safety grounds. This means that, if the party who want the highway to remain open can demonstrate it existed, the party who want it gone must prove that it was legally 'stopped-up'.

It does not matter who owns the land, or thinks they do, that is irrelevant. If, say, a footpath goes across a field, and it has not been legally stopped-up or diverted, it exists, however impassable. That, in truth, was to be the essence of the NCC legal case on Ferry Road, and Trent Ford Road. The evidence being that of the 'Inclosure Award' of 1773 and map of 1775. There was a written, and mapped, specification meaning the roads existed.

The owners of the houses along the river frontage, from Ferry Lane to Mackley's Lane had always kept the front open for villagers to walk. It was, as it still is, a beautiful part of the village. Some knew it had been an old roadway but most thought it was long abandoned and they owned it, whether outright or riparian. For them, it was something of a shock that NCC were claiming it still existed as a highway, and they had many concerns, including the potential of vehicular use.

In mitigation, NCC were talking about changing it, by legal process, from a road to a 1200 mm wide (4 foot) footpath. In many respects, that would have been alright though, some of the landowners, current or future, might have been tempted to demarcate their area, possibly fencing off with a gate along the footpath. This would have spoilt the general look of the area and, there were issues about not impeding the flow of floodwater. Whatever, this was for further down the legal track.

The area of riverbank by Trent Farm house, by then fenced off both sides and the old house replaced, was a different matter. The owner claimed to know nothing of any ancient road, and the boundary line on his purchase documents, at the Land Registry, did follow the line of his argument and his fencing. Who drew that line and when is a different matter?

On one side we had NCC and the village, on the other a powerful local businessman with the belief that hiring the top legal brains, and throwing money at it, would win the day.

The legal arguments between NCC Highways legal team and the landowner's solicitor went on for a couple of years, parry and thrust, one argument then another. For residents, those involved received updates, others did not. A frustrating time for those on the periphery, whilst others almost forgot it was rumbling on.

Whilst sure in law, the NCC costs were escalating as the Trent Farm owner kept coming back with arguments, like the river having changed course and washed Ferry Road away.

Somehow, whether misquoted or misunderstood, a piece got into the Parish magazine that NCC thought the villagers were not that bothered and the case might be dropped. The sleeping giant of village wives woke!

The magazine article aroused the fury of the village, many of whom had been regularly asking what was happening, just not nagging NCC. This all happened just a few weeks before the scheduled court hearing. Two sets of ladies, north and south, began petitions to fire at the magistrate's hearing, set for 15 May 2006. Fantastically, 334 signatures were collected along with over 30 letters sent before the magistrates hearing two weeks later. Neither the magistrate nor NCC could doubt the wishes of the residents.

This was far too big for a local magistrate and the process then moved on to a Public Inquiry; to be held in the October in Newark Town Hall. Whilst NCC were

confident the Inclosure Act information demonstrated the legal case, the village wanted to present more usage evidence.

The legal argument around the Inclosure Award was centred on the highways named, their width, the plots of land on either side - or one side where there is a river. They may have been 'awarded' but were they created, were they washed away, did they comply with the requirements, if not, were they ever legally highways.

As with many enclosure processes, roads were designated as some 60 feet wide so the Commissioners could raise money from grazing big verges and carts could divert around huge ruts. Today, where you travel along lanes which seem 60 feet wide between hedges, or thereabouts, it is likely that they were created as part of an enclosure award.

This whole argument, in all fairness, was about some 40 metres of blocked riverbank. The rest of the disputed highway was open, if linked to certain concerns. Three days of London QC arguing against NCC Highways, who, quietly, knew their stuff.

The village information had all the evidence statements, photographs, and the document 'North Muskham: An Overview of Riverside Access', (included in this series of articles). One photograph, which took the inquiry by surprise, and blew a bit of a hole in the counter argument was from the early 1980s. It had a mother and daughter, picnicking on the riverbank, with a car parked on the disputed road.

After the hearing was the wait for the Inspectors decision. The NCC and village argument had won. The only trouble was that the landowner was aiming at a High Court appeal. Even after that, he did not take down the barrier fences. These finally came down after a Highways Act 1980, Section 130A notice was served on the County. This gives the County a limited time to get the obstruction removed.

Highways Secured

Although all these years of battle had only removed a forty-metre block on this ancient Ferry Road, it was the very first taste of success in the long campaign. There was now an open path from the Muskham Ferry, along the riverbank, to Manor House Drive, linking with the circular route around the relatively newly wildlife pond on the Lakeside development. Opening that forty metres had created a very pleasant walk, away from main roads. In addition, it had legally proved the old packhorse route, Trent Ford Road, from the Muskham Cross to where the ford had been, though you would have had to cross water to use all of it. Whilst we can see how Trent Ford Road linked the Muskham Cross to Holme, what about the other way. John Barton of Holme was a trader of wool, with links to Lancashire. Heading west, Trent Ford Road would lead to packhouse trails to cross the Pennines.

Despite having been used as part of the failed anti-lakeside development some years earlier, Trent Ford Road had purposely been allowed to become overgrown and blocked with garden rubbish, thrown over the wall. It was known that the Definitive Maps people wanted to stop-up Trent Ford Road along with the Cromwell Footway, and tidy their paperwork. They were not truly aware of the historic significance of the trail.

Around that time, as arguments around Trent Ford Road continued, the annual village clean-up had been fixed for midsummer's day. The area around the Muskham Cross was overgrown and a real mess [pre-patio] and part of the clean up

team were tasked to tidy it up, but not to touch the blocked Trent Ford Road for the fear of the wrath. Shock, horror, when the team arrived, Trent Ford Road had been cut through during night. Perhaps opened by vandals? It is now a designated public footpath with a great historic story.

Onwards to Cromwell Lock

From the north end of the wildlife area, there were three landowners to Cromwell. The first section, North Marsh, had changed from the parkland of the fishing enterprise and become wild. It was owned by the firm who had gained planning consent for the lakeside. Why they had not left sensible access for potential later development, we do not know, but can only be thankful. Whilst technically private land, there was no block on access and people had a further walk, half way to Cromwell Lock.



Looking back at North Muskham from the path to Cromwell Lock

The next owner had a single field on the riverbank. Owned by a large farming family and this was their access to irrigation water. The land also had the house and buildings, Lodge Farm as mentioned earlier.

Whilst probably not too bothered whether the path across this field was open or closed, the farm had experienced some problem with meddling with their irrigation pump; in those days a tractor sitting on the riverbank. Someone had put water in the diesel tank, damaging the engine. They dug their heels in a bit, possibly as revenge.

The final stretch from there to the lock, which passes the environmental testing station where they monitor the river depth, has the only remaining clapper gates on that stretch. At the disputed time, the land was owned by a lovely, but feisty, lady who had lived there since her teens. She had come to the farm from Sheffield to work for the farmer and his wife, basically in service. As the farmer had no children, she ended up inheriting, and continuing to farm. At the time, there was a large field towards the lock. This had been permanent pasture for years and, in the summer, was a nesting ground for Skylarks.

Despite her feisty nature, she was concerned about the idea of people walking the path, the security implications, dogs running around, and the like. She kept the argument against the reopening going as long as she could, though I guess she knew it was probably inevitable.

It was a further 7 years after the Public Inquiry which confirmed Ferry Road before the long disused towpath section to Cromwell Lock was declared public footpath. Years of constant work by the NCC team, the Parish Council, and many others.

Sadly, having lost her privacy, the lady with the Skylark field decided her time had come to move out. The farmhouse was sold off and the land put on the market. That permanent pasture was ploughed under a few years ago before it would be protected and the Skylarks gone.



Just part of Cromwell Lock

The path to Cromwell Lock is a lovely walk. Virtually all level, mostly easy going. There are the odd slippery few yards after rain, and you might need long trousers if the nettles encroach but it is well worth putting on good shoes and heading off. In general, people of this village tread it regularly, many picking any litter and cutting down overgrowth on the way. It is a must-do walk.

At Last!

The village celebrated the opening of the path on 7th December 2014 with a cutting of a ribbon



The official opening was followed by a village walk to Cromwell Lock. No mass trespass. No right to roam protest. The right had finally been won legally.



Use, enjoy, respect

c. J M Wishart 2020

Ref: MHA09C